



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Binqiang Shi  
Serial No.: 09/851,839  
Filed: May 9, 2001  
For: "Epitaxy with Compliant Layers ..."

Image AF/1700  
PATENT  
) Examiner: Song, Matthew J  
) Group Art Unit: 1765  
) Our Ref: B-3945 617918-2  
) Date of this paper: October 20, 2003  
) Re: *Notice of Appeal*

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINERS TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

1. The Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner dated June 23, 2003 finally rejecting pending Claims 1-27, 29-33 and 39-40 of the above-identified application. Pending Claims 34 - 38 of the application have been withdrawn from consideration by the Examiner. Claim 28 has been canceled.
2. Applicant is not a small entity.
3. This Notice of Appeal is being filed with a petition for a one month extension of time and the required extension fee. If this response is not timely filed, the Commissioner is authorized to treat this Notice of Appeal as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this Notice of Appeal timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.
4. Attached is a check in the sum of \$ 330.00 pursuant to 37 CFR 1.17(b). Charge to Deposit Account No. 12-0415 any additional fee required or credit for any excess paid.
5. A duplicate of this paper is attached.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 20, 2003  
(Date of Mailing)

Ross A. Schmitt  
(Name of Person Certifying)

*Ross A. Schmitt*  
(Signature)

10-20-03  
(Date)

Respectfully submitted,

*Ross A. Schmitt*  
Ross A. Schmitt  
Registration No. 42,529  
Attorney for Applicant  
Ladas & Parry  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300

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